



Architecture, Planning, Technology

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Head of Planning and Development
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9th March 2019

Dear Sir

Objection to Policies contained in the Supplementary Planning Document Consultation Draft on Purpose Built Student Accommodation (PBSA) January 2019

Introduction

This objection is submitted on behalf of Investry Ltd who are engaged in the development of a mixed use scheme including retail, PBSA and other uses on a site fronting the High Street Leamington Spa including the operational railway arch space and the disused viaduct to the north.

Our current concerns relate to the proposed restrictions on the siting of PBSA within the Town Centre outside of designated residential areas which are located on Main Roads close to public transport and the proposed parking standards for PBSA related to development on sites in sustainable locations within the Town Centre.

We set out below our particular concerns in respect of the Draft SPD and then illustrate the implications of the Draft by reference to a specific proposal currently being pursued by Investry Ltd. Firstly, however, we outline the key principle set down in the relevant regulations relating to supplementary planning documents, as we are concerned that the Draft is in any event not consistent with this principle.

The Local Planning Regulations

1. Regulation 8(3) of the Local Planning (England) Regulations 2012 provides that policies contained in a supplementary planning document must not conflict with the adopted development plan.
2. As explained below, we have concerns that the SPD as currently drafted may conflict in the way it would actually operate with policy H6 of the Local Plan (2017).
3. Further, the SPD seems at times to consider itself to be part of the development plan, which of course is incorrect. For example in the first paragraph of policy PBSA1 it is stated that "*Support will be for accommodation to be provided on campus as the preferred location wherever proposals comply with other local plan policies.*" As

PBSA1 would not be a local plan policy, the “other” must be deleted. Moreover, in the context of section 38(6) of the Town and Country Planning Act 1990, the SPD would not, even if adopted, have the special status and weight afforded to development plans but would be a material consideration.

4. If the real intention of the Council is to invoke a materially more restrictive approach to PBSA than is currently found in policy H6, it is incumbent upon them to do this through a limited review or alteration to the Local Plan which would then be examined by an independent Inspector. It would be wrong to attempt in effect re-write the substance of the policy through an SPD. If the intention is genuinely to assist in meeting the identified need and divert that from HMOs to PBSAs, the policy requires fundamental redrafting.
5. Further, PBSA1 introduces at the outset an approach not currently included within Local Plan policy H6 which is that support will be for accommodation to be provided on campus as the preferred location. Whilst support for the provision of accommodation on the University campus is entirely understandable in principle (and is referred to in paragraph 4.66 of the Local Plan), that is markedly different from making it “the preferred location” in an SPD policy. There is a risk that applications will be rejected on the basis that it has not been proven by the applicant that there are no alternatives on a campus now or in the future. That would be contrary to the approach in policy H6 and even the stated policy objective for policy PBSA1 in the Draft SPD.

Particular Concerns

Clarity of Policy PBSA1

6. As the SPD, if adopted, would be a material consideration used in determining planning applications, it is essential that it is clearly written and unambiguous. PBSA1 is neither. It is overly complicated and difficult to follow and would, we fear, lead to much uncertainty and debate.
7. The policy states that proposals for PBSA elsewhere than on Campus will be supported but this is subject to no fewer than 9 criteria which create a formidable series of hurdles which all are required to be met. Indeed criterion 1 itself contains 7 criteria. At most, PBSA1 should only require the criteria are “had regard to”. In any event the criteria would benefit from being simplified and reduced.
8. The policy would also be a little clearer if the table were inserted immediately after the first part of criterion 1 which ends “(see the table below)”.
9. The concept of an Area of Influence (AOI) as the central tool of the policy needs to be clear. The body of the policy (outside of the table) should state that AOI means Area of Impact and explain what it means.

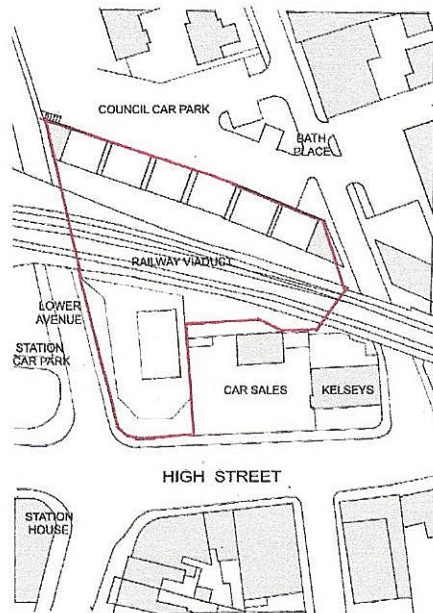
Justification for the AOI Approach

10. There is no dispute that the impacts on the community are proper factors to be considered. However, this has to be done in a balanced and rationale way. The approach seems insufficiently thought out and contrary to the stated policy aims in its consequences.

11. Other than for Zone 1, Town Centre Retail Areas and in Leamington Area of Search for Major Retail, a restrictive approach is taken in Town Centres. For Zone 2A (excluding areas in residential use and those in Zone 1) there is a total ban on PBSA development within the AOI, which is based on using a radius of 1m for each bed space proposed from the centre of the development. There is no justification for this ban. Yet, for areas in residential use in Town Centres, no more than 25% of the total number of dwellings is allowed for PBSA. There is no justification for the use of 25%.
12. The explanation for Criterion 1 does not provide any justification for the use of 1m per bed space. It offers no meaningful explanation for this approach. It is illogical to equate the impact directly to bedroom numbers in this way and this conflicts with Local Plan Policy H6. Further, its applications could conflict with Government's emphasis on the efficient use of land (see paragraph 122 of the NPPF). That applies particularly to locations that are well located in terms of public transport and services, such as Leamington Spa town centre of course. That of course is in the context of student accommodation being specifically identified in the NPPF as a need to be provided for (see paragraph 61).
13. The restrictive mechanism used is also in conflict with the stated aim (in this explanation) of ensuring that at least the current need is met locally and exceeded where evidence shows that the demand for student accommodation is likely to increase in the foreseeable future and to encourage students out of HMOs and into PBSAs. However, this draft policy would impose a restrictive approach to PBSAs in many locations as referred to above and demonstrated below.
14. We are also concerned in respect of criterion 2 relating to parking requirements. PBSA1 seeks to impose parking standards which, with the exception of parking spaces for people with disabilities, mitigate against national policy to encourage students to use alternative means of transport other than the car. In town centre sustainable locations PBSA schemes should be designed as car free schemes with suitable management restrictions to prevent student car ownership and the provision of on-site secure cycle parking

Implications of the Draft SPD in Practice

15. As noted above, Investry Ltd are engaged in the development of a mixed use scheme including retail, PBSA and other uses on a site fronting the High Street Leamington Spa, including the operational railway arch space and the disused viaduct to the north.
16. The concern relates to the proposed restrictions, referred to above, on the siting of PBSA within the Town Centre outside of designated residential areas which are located on Main Roads close to public transport and the proposed parking standards for PBSA related to development on sites in sustainable locations within the Town Centre.
17. Proposals for the development of this site have been submitted to the Council as a Pre - App enquiry. Whilst that specific proposal will of course be considered separately from the representations to the SPD, it nonetheless is useful to refer to this to illustrate the serious problems with the SPD as currently drafted for the stated and adopted policy objectives of the Council. The site is shown outlined in red on the plan below.

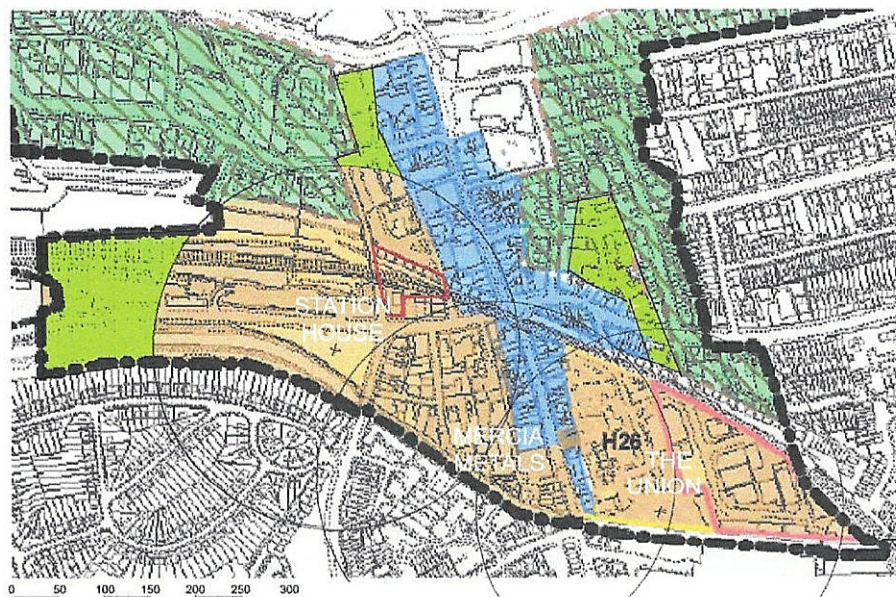


The existing Policy Framework

- 18. Existing Local Plan 2017 policies support the continued development of the University of Warwick and development of PBSA within Leamington Town Centre on main road frontage sites located outside of designated residential areas close to public transport.
- 19. The proposed development site fronts the High Street (A425) within an area designated as non residential inside the Town Centre adjacent to the railway station and only 20 metres from a bus stop with regular services direct to the University Campus. The scheme also proposes one for one on site secure cycle parking.

Proposed restrictions on the location of PBSA contained in the Draft SPD

- 20. The plan below shows the area of influence of three existing / consented PBSA buildings - Station House, Mercia Metals and The Union. The proposed PBSA site (outlined in red) is located within the AOI of Station House - a 200 bed PBSA built in 2012.



SOUTH LEAMINGTON AOI PLAN NTS

21. The implementation of the Draft SPD policy proposals would be to effectively prevent any further PBSA within the Town Centre of South Leamington. Aside from the Town Centre Retail Areas in which the PBSA restrictions would not apply as noted above, the only non-residential areas where PBSA could be developed would be three sites coloured light green on the plan above. which comprise;
1. a small area of operational railway land leased to the train operator and forming part of Leamington Railway Station and car park to the west of Station House. This site has zero potential for PBSA development
 2. a small parcel of land on Spencer Street to the north of the railway viaduct directly adjoining a residential area. The street frontage is occupied by the United Reform Church a grade 2 listed building. This site has zero potential for PBSA development
 3. a small area of land centred on Chapel Street to the east of the retail area surrounded on each side by designated residential areas. This area contains a terrace of 9 newly constructed townhouses, a new development of houses and flats converted to a 50 bed HMO and a backland local authority car park. This site could potentially provide limited PBSA development on the LA car park backland..
22. It is doubtful that any of these sites might ever be brought forward as development sites and their proximity to established residential areas in the case of the latter two sites would in any event make them unsuited for PBSA given their size and the Council's current planning policies.
23. The proposed Draft SPD Policies would therefore be in direct conflict with the NPFF and The Council's own Local Plan Policies in failing to support the University of Warwick's development and growth and the housing of students in a sustainable Town Centre location.

The Council's criteria for assessing the suitability of sites for PBSA on non residential Town Centre Sites in South Leamington

24. The Draft SPD includes views of residents provided by members of South Leamington Area Residents (SoLAR). These views can be summarised as:
- Transient nature of student occupation
 - Disagreement as to the extent students contribute to the local economy
 - Problems with waste
 - Anti - social behaviour
 - Perceived increase in burglaries
 - High concentrations of students attract more students
 - Pressure on local services
 - Concentration of HMOs impact on supply of family housing and schools
 - Too many HMOs and ineffective control of spread of HMOs by the local authority.
25. It should be noted that almost all complaints by local residents relate to problems associated with HMOs in South Leamington and not to PBSA located on main thoroughfares within the Town Centre close to public transport. There is no mention of Station House, a 200 bed PBSA block located on the A 425 diametrically opposite the proposed development site.

26. Station House is the equivalent of 40 or 50 individual HMOs in terms of capacity but is a well managed block located on a main road minutes from public transport and the Town Centre. Pedestrian routes to the Town Centre and the bus stop do not pass through any residential areas and present little opportunity to disrupt local communities.
27. HMOs on the other hand, by virtue of the fact that they are generally converted housing stock, are embedded in residential areas and due to their limited size offer very limited ability for Landlords to control the behaviour of their tenants to the extent that the managers of PBSA can.
28. The recent Mercia Metal canalside site Appeal (Ref APP/T3725/W/18/3196430) is useful as the Inspector acknowledges that whilst the forthcoming SPD had not been drafted the Council's Executive Report dated 31 May 2018 was a material consideration The Inspector identified (in paragraph 14 of his decision) one of the aims of the Report as:
- To encourage the provision of PBSA of an appropriate type and quality in sustainable locations thereby encouraging students from HMO style accommodation
29. The Inspector also acknowledges (in paragraph 15) that;
- given the location of the development within an area of predominantly non-residential uses and close to the town centre residents of the development would unlikely pass through residential areas to any significant extent and therefore would unlikely have a significant harmful effect on the living conditions of the settled residents*
30. The location of the proposed development site fully accords with the aims of the Council's Executive Report and the Inspector's observations on the likely impact of a PBSA block on the amenity of local residents but would fail to meet the criteria proposed in the Draft SPD.

The proposed new parking standards for PBSA

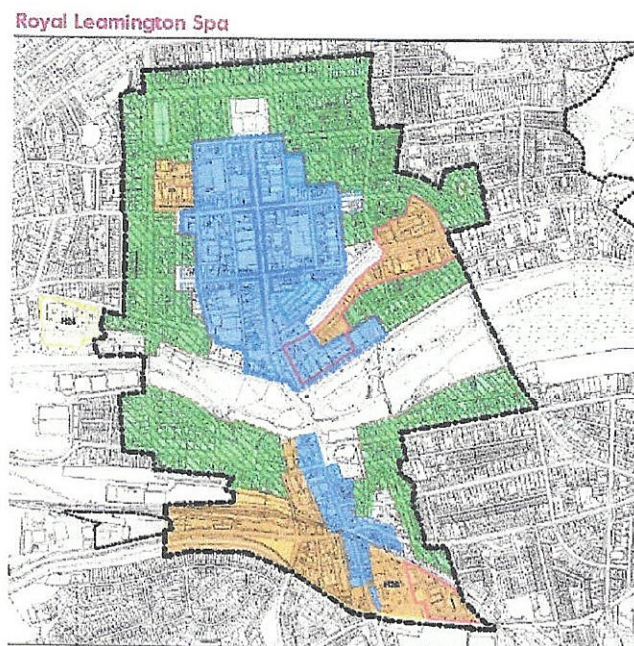
31. The Draft SPD proposes new parking standards for both students and disabled parking. The Draft SPD also includes examples of recent consented PBSA schemes in other towns where car free schemes have been allowed. The study attached to The Union application also provides examples of the growing acceptance of car free PBSA schemes following the parking policies contained in the London Plan and Government policies on parking standards on developments in sustainable locations..
32. The proposed development sits on a main road, within the Town Centre in a highly sustainable location metres from the Uni bus stop and the railway station. Two disabled parking spaces are provided and 100% secure cycle parking is proposed. A Management Plan will ban students from keeping a car whilst attending the University (with the exception of disabled students) and suitable lay bys included in the design for drop off / collection at the beginning and end of term times. The highway issues are more specifically covered in the Transport Assessment supporting the Pre App

Assessment of demand for PBSA in Leamington Town Centre

33. The HESA Housing Demand figures quoted in the draft SPD indicate total full time student numbers for the University of Warwick (UoW) for the current period 2018/2019 at 22,100 students. Of this estimated number of students some 14,400 are housed in the Private Sector. Whilst undoubtedly a number of these students are housed in the 7,600 PSBA bedspaces in Coventry, the Study of Demand (2015) supporting "The Union" PBSA application put the number of students housed in the private sector at @ 5,000 students. This figure included 700 bedspaces in UoW managed accommodation, 220 bedspaces in Station House - the then only PBSA in Leamington and the remainder (@4,000) in HMOs.
34. The HESA figures estimate the increase in total student numbers at UoW from 2015 to 2020 to be 3,600 students and the increase in numbers housed in the private sector to be 2,300 students. Since the Council acknowledge that the level of PBSA in Coventry is at saturation point, limited projected UoW on campus new bedspaces, restrictions on new HMOs in Leamington and a total of only 407 new PBSA bedspaces over the period 2015 - 2020 in Leamington Town Centre, there is clearly a substantial demand - in excess of 2,000 bedspaces which must largely be provided in new PBSA development in Leamington Town Centre.

Analysis of potential PBSA development sites in Leamington Town Centre

35. The Leamington Town Centre Plan in the Draft SPD which mirrors the Local Plan Policies Map identifies three zones for the potential development of PBSA - areas in residential use, town centre retail areas and areas in non residential use.



36. Sites within residential areas (Green land), largely located within conservation areas do not satisfy the exceptions of Local Plan policy H6 and are therefore not suited to PBSA development
37. Sites within the Town Centre Retail Area (Blue land) are wholly within a conservation area(s) and the majority of frontage buildings are listed. Local Plan retail policies render the inclusion of extensive student communal spaces at ground level within the protected retail frontages unacceptable and the conversion of upper floors of historic listed buildings to the repetitive plan form of PBSA and availability of suitable

(unlisted) site footprints render the blue land unsuited to PBSA development despite the Draft SPD allowing unfettered PBSA development within the retail area.

38. Sites within the non residential area of the Town Centre (Brown land) are therefore likely to be the only sites in Leamington Town Centre suitable for the development of PBSA and capable of satisfying Policy H6. The Area of Impact (AOI) Plan above shows the impact of the policies proposed in the Draft SPD which would leave only the residual (Light Green land) capable of satisfying the proposed new policies. As already stated above it is highly unlikely that any of the sites would be brought forward for PBSA development by virtue of their operational railway function, the presence of a listed building and / or new development or suitability in terms of their location.

Conclusions

39. Policy PBSA1 of the Draft SPD as currently drafted conflicts with Local Plan Policy H6.
40. In any event the draft policy lacks clarity and would lead to uncertainty and difficulties in its application and the application of policy H6, which is a development plan policy, unlike PBSA1 which would not have that special status.
41. Moreover, PBSA1 is unduly restrictive and is in substance in conflict with the stated aim of that policy being to ensure that at least the current need for student accommodation is met locally, and exceeded where the evidence shows that the demand for student accommodation is likely to increase for the foreseeable future. Furthermore, those needs are to be met by encouraging students out of HMOs and into PBSAs. That aim is supported by Investry Ltd. However, the draft policy as currently worded would not achieve that and would seriously hinder delivery of sustainably and otherwise appropriately located PBSAs.
42. The approach in PBSA1 would result in very limited opportunities for PBSA development in Leamington Spa. This is the context of clear evidence of the current and emerging need for student accommodation. The proposed Draft SPD Policies would therefore be in conflict with the NPFF and The Council's own Local Plan Policies in failing in particular to support the University of Warwick's development and growth and the housing of students in a sustainable Town Centre location.
43. The PD therefore needs to be significantly re-drafted if it is to be pursued. However, the Council firstly needs to be clear as to what the policy is really intended to achieve as its currently restrictive character does not sit well with the stated aim of meeting the current and emerging needs for student accommodation in PBSAs.
44. Whilst we consider that there are fundamental problems with the Draft SPD, we would be happy to discuss with the Council any aspect of this objection and how these problems could best be resolved, if it is thought that might assist.

Yours faithfully



Christopher Gutteridge